

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF
VIRGINIA Charlottesville Division

CLERK'S OFFICE U.S. DIST. COURT
AT CHARLOTTESVILLE, VA
FILED

FEB 10 2020

JULIA C. DUDLEY, CLERK
BY:  DEPUTY CLERK

ELIZABETH SINES,

et. al.

Plaintiff,

v.

Civil Action No. 3:17-cv-00072-NKM-JCH

JASON KESSLER, et. al.

Defendant

MOTION TO QUASH SUBPONEA TO PRODUCE DOCUMENTS

John I. Hill Esquire ("HILL") requests that this court issue an order quashing the Subpoena Duces Tecum (the "Subpoena") served on him by Elizabeth Sines, et al. ("SINES") on January 28, 2020.

GROUND FOR RELIEF

The Subpoena calls for the production of documents and information that Hill is precluded by law from producing because the subpoena requires disclosure of privileged or other protected matter within the meaning of Rule 45 of the Federal Rules of Civil Procedure, is privileged or is subject to protection as trial- preparation material within the meaning of Rule 26 of the Federal Rules of Civil Procedure, and whose dissemination is governed by Orders of the United States District Court for the Western District of Virginia, the City of Charlottesville Circuit Court and an Agreement with the City of Charlottesville Commonwealth's Attorney's Office. In support of his Motion to Quash, Hill states as follows: In particular:

1. The Subpoena was served on Hill, who is the court appointed attorney for the Defendant James Alex Fields, Jr ("Fields"), on January 28, 2020. An identical Subpoena Duces

Tecum was served on Hill's co-counsel, Denise Lunsford, Esquire, ("Lunsford") on January 28, 2020. A true and correct copy of the subpoena served on Hill is attached hereto as Exhibit 1.

2. Hill represented Fields in a series of criminal cases originating in the City of Charlottesville Circuit Court (the "Criminal Matters") and now represents Fields on the appeal of his conviction in those cases to the Commonwealth of Virginia Court of Appeals. A copy of the Order of Appointment from the City of Charlottesville General District Court dated February 23, 2018 is attached hereto as Exhibit 2.

3. Taken as a whole, the subpoena requires that Hill produce the entire contents of his file relating to representation of Fields in the Criminal Matters with no exception. Among other things, Hill's files contain notes, memoranda and other documents memorializing confidential discussions and communications with Fields, documents related to trial strategy, and other documents and material Hill is prohibited from disclosing.

4. Rule 1.6 of the Virginia State Bar Professional Guidelines prohibits a lawyer from revealing information protected by the attorney-client privilege under applicable law or other information gained in the professional relationship that the client has requested be held inviolate or the disclosure of which would be embarrassing or would be likely to be detrimental to the client unless the client consents.

5. Information and material provided to Hill by the City of Charlottesville Commonwealth's Attorney Office in the course of his representation of Fields in the Criminal Matters is governed by an Open File Agreement a copy of which is attached to this Motion as Exhibit "3".

6. Information provided to Hill by the United States government in the course of his representation of Fields in the Criminal Matters is governed by an Order of the United States

representation of Fields in the Criminal Matters is governed by an Order of the United States District Court for the Western District of Virginia dated February 23, 2018. A true and accurate copy of the Order is attached to this Motion as Exhibit "4".

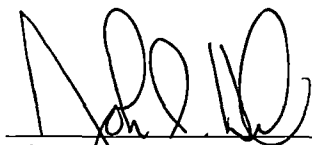
7. Dissemination of information relating to jurors and certain photographs and videos admitted into evidence in the trial of the Criminal Matters is prohibited by Orders of the City of Charlottesville Circuit Court. A true and accurate copy of the Order is attached to this Motion as Exhibit "5".

7. Sines has not established a substantial need for materials and that she cannot, without undue hardship, obtain their substantial equivalent by other means.

WHEREFORE, the foregoing reasons, John I. Hill Esquire requests that this Court issue an order quashing the Subpoena Duces Tecum served on him by Elizabeth Sines, et al. on January 28, 2020.

Respectfully submitted this 10th day of February, 2020.

JOHN I. HILL, ESQUIRE
Pro Se



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CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2020, I electronically file the forgoing to with Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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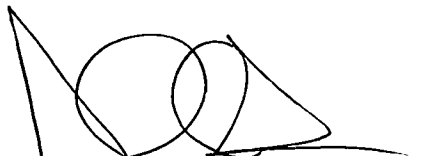
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